

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Shevelle McPherson,) Proceeding No. D2023-34
)
Respondent)
_____)

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, Shevelle McPherson (“Respondent”) is hereby suspended from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), for violation of 37 C.F.R. § 11.804(h).

Background

On October 23, 2023, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70220410000250017074 and 70220410000250017081) notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the December 15, 2022 Order of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Shevelle McPherson*, No. 2932 Disciplinary Docket No. 3 (Pa. Dec. 15, 2022) wherein Respondent was suspended from the practice of law in that jurisdiction for one year and one day. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the December 15, 2022 Order of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Shevelle*

McPherson, No. 2932 Disciplinary Docket No. 3 (Pa. Dec. 15, 2022), based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was delivered to Respondent on October 25, 2023. Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent's suspension from the practice of trademark and other non-patent matters before the USPTO is the appropriate discipline.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is suspended for one (1) year and one (1) day from the practice of trademark and other non-patent matters before the USPTO;
2. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
3. The OED Director publish a Notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

This notice concerns Shevelle McPherson of Cherry Hill, New Jersey, who is authorized to practice before the United States Patent and Trademark Office ("USPTO") in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the USPTO has ordered that Ms. McPherson be suspended from practice before the USPTO in trademark and other non-patent matters for a period of one year and one day for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law by a duly constituted authority of a State. Ms. McPherson is not authorized to practice before the USPTO in patent matters.

Ms. McPherson was disciplined in Pennsylvania for appearing as counsel for the defendants in two criminal cases while administratively suspended

from the practice of law in Pennsylvania. Ms. McPherson also held herself out as an attorney admitted to practice law in Pennsylvania and the District of Columbia while administratively suspended in both jurisdictions and failed to notify clients of her administrative suspension as required by the Pennsylvania Rules of Disciplinary Enforcement. In addition, Ms. McPherson was also disciplined for her failure to diligently represent a criminal defendant by failing to appear in court for a scheduled hearing, which resulted in the issuance of a bench warrant and the pretrial detention of the defendant.

As a result of the foregoing, Ms. McPherson and the Pennsylvania Office of Disciplinary Counsel submitted a Joint Petition in Support of Discipline, which provided that Ms. McPherson violated Pennsylvania Rules of Professional Conduct 1.1 (competence); 1.3 (diligence); 5.5(a) (unauthorized practice of law); 5.5(b)(1) (failure to maintain a continuous presence within the jurisdiction for the practice of law); 5.5(b)(2) (improperly holding oneself out as admitted to practice law in the jurisdiction); 7.1 (making a false or misleading communication regarding the lawyer or lawyer's services); 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(d) (conduct prejudicial to the administration of justice). The Joint Petition also provided that Ms. McPherson violated Pennsylvania Rules of Disciplinary Enforcement 203(b)(3) (willful violation of any provision of the Rules of Disciplinary Enforcement is grounds for discipline); 217(b) (requiring suspended attorneys to promptly notify clients of the suspension); 217(d)(2) (requiring suspended attorneys to promptly cease and desist any communications which expressly or implicitly convey eligibility to practice law); 217(e)(1) (requiring suspended attorneys to timely file a verified statement attesting to their compliance with the provisions of the Enforcement rules); 217(j)(1) (requiring suspended attorneys to conduct all law-related activities under the supervision of an attorney in good standing); and 217(j)(4) (prohibiting suspended attorneys from otherwise engaging in any law-related activities). Upon the joint recommendation of Respondent and the Pennsylvania Office of Disciplinary Counsel, Ms. McPherson was suspended from the practice of law in Pennsylvania for one year and one day.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <https://foiadocuments.uspto.gov/oed/>;

4. The OED Director give notice of the public discipline, pursuant to 37 C.F.R. § 11.59, and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is

known to be admitted, and to the public; and

5. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58.

Users, Shewchuk, David
Digitally signed by Users,
Shewchuk, David
Date: 2023.12.11 08:57:02
-05'00'

Date

David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on delegated authority by

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the address listed by the Disciplinary Board of the Supreme Court of Pennsylvania for Respondent:

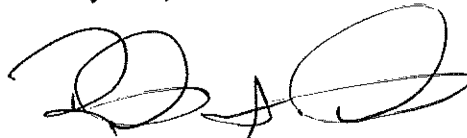
Ms. Shevelle McPherson
2 South Ave. E #2
Cranford, NJ 07016

and to where the OED Director reasonably believes Respondent receives mail:

Ms. Shevelle McPherson
2230 Route 70 West
Suite - 2 #1164
Cherry Hill, NJ 08002

12/11/2023

Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450